

Gregg Schuster



First Selectman

January 8, 2010

Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse, Planning & Standards Division
79 Elm Street, Hartford, Connecticut, 06106-5127

BUREAU OF WATER PROTECTION AND LAND REUSE
OFFICE OF THE BUREAU CHIEF

JAN 15 2009

Re: Proposed Stream Flow Regulations

Dear Mr. Stacey:

I am writing in reference to the proposed Stream Flow Standards and Regulations (Public Act 05-142) that are currently before your agency. The Colchester Board of Selectmen have carefully reviewed the proposed regulations and urge rejection based on the following concerns:

1. **Sufficient Water Supplies** – We are very concerned that the draft regulations may undermine our ability to provide water service to our existing residents and businesses as well as for future growth. Colchester has dealt with water supply issues in the past and it has hurt us tremendously. When we were forced to implement a water moratorium during a period of economic expansion, we could not take advantage of the situation and grow our business base. While these proposed regulations would not create a moratorium in Colchester in the immediate future, when our permits come up for renewal, we may not have sufficient water supplies to meet the needs of our existing residents and businesses.
2. **Public Health & Safety Needs** - Although we fully understand and appreciate the intent of the proposed regulations, we are concerned that, as currently drafted, the regulations do not provide an appropriate balance between protecting our environment and providing for the public health, safety and economic development needs of our community. While we recognize that balancing the needs of the environment with the needs of human society is not an easy task, it is a critical one, particularly given the other challenges facing the state and towns.
3. **Unfunded Mandate** - The Town of Colchester is also very concerned that the regulations will impose additional cost burdens on our town at a time when we are faced with potential reductions in state aid, a declining revenue base and unfunded mandates. Although our diversions are permitted and will not come up for renewal until 2017, we faced enormous cost and difficulty in obtaining those

permits. The Town of Colchester initiated the process to obtain a diversion permit in 1997. The permit application was submitted in 2000, reviewed, revised, and eventually approved in January 2003. The costs for the initial applications, performing the pumping tests, lab tests, modeling and the eventual full application and subsequent revisions exceeded \$300,000. This was solely to obtain an approval to withdraw water from three existing production wells. An additional approximately \$10,000 per year has been spent on stream flow monitoring as a condition of the approval.

4. Unknown/Unintended Consequences - It is truly difficult to assess the full impact of the regulations on the Town of Colchester because we don't know which basin classification we will fall under, given the vague classification standards included in the regulations. The wide-ranging power these regulations give a state agency means our ability to develop a balanced solution is limited. Without knowing what standards the DEP will put in place, we can't even begin to imagine what this will mean for our community.

5. Economic Impact - The regulations give DEP broad authority to impose limitations on groundwater withdrawals without any consideration as to whether such limitations will impose a financial hardship on our community and on our farmers, manufacturers and other businesses that rely on water for their operations. Attracting new businesses and encouraging business expansion is already extremely challenging given the high costs of doing business in Connecticut. Adopting regulations that bring into question whether the town will have sufficient water supplies to support business growth will exacerbate these challenges.

The Town of Colchester, our Public Works Department, and other municipal agencies have all expressed concern over the proposed regulations. We respectfully ask that you give our position serious consideration and reject the regulations as they are currently drafted. We recommend that DEP take the time to meet with other state agencies, the business community and municipalities to fully assess the impact of the regulations on our public water supplies and on the state's economic recovery.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregg Schuster', with a stylized, flowing script.

Gregg Schuster

First Selectman